

REMARKS

1. Rejections Pursuant to 35 USC section 112, second paragraph

In the Office action, claim 34 was rejected as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has cancelled claim 34. It is submitted that all pending claims comport with the provisions of 35 USC section 112, second paragraph.

2. Rejections Pursuant to 35 USC section 102(b)

A. Claim 1

In the Office action, claim 1 was rejected as allegedly being anticipated by Thompson. Applicant has amended claim 1 to more clearly distinguish the invention in view of the cited prior art. Specifically, claim 1 defines a modular wireless device that includes the following:

a shell that contains electronic components such as memory, with said memory containing system software, said system software having operating system software, software drivers and application software, with said operating software containing information concerning wireless communication, with the operating system software including a storage list including information identifying wireless services with which said application software may communicate; a cartridge that contains a transceiver for wireless communication; and an interface that enables removably coupling together said shell with said cartridge and facilitates data communication between said electronic components and said transceiver, said cartridge including a storage unit containing call-processing software to communicate with said operating system software, in response to coupling together of said cartridge with said shell, a supported wireless service to which said transceiver may communicate, with said operating system software including a sub-routine to facilitate communication between said application software and said supported wireless service in response to receiving information from said call-processing software.

As admitted in the Office action, Thompson is completely silent with respect to system software having means to notify the software application of the availability of a wireless

communication service. (See O.A. page 7.) Rather, Thompson makes clear that communication between the operating system and the call-processing software, as claimed, does not occur in response to coupling together of a shell and a cartridge. The activation and control of the communication capability provided by application modules 100 occurs through "touch sensitive visual displays 60 and 160 or voice commands via digital signal processor 76." (See col. 16, lines 38-42.) For these reasons, Thompson teaches away from the claimed invention. Therefore, there is no suggestion to modify Thompson to include the claimed features of a sub-routine to facilitate communication between application software and a supported wireless service in response to receiving supported services information from call-processing software.

Moreover, none of the remaining prior art references overcomes the deficiencies of Thompson. Therefore, based upon the foregoing, Applicant contends that claim 1, as amended, defines an invention suitable for patent protection.

B. Claim 6

In the Office action, claim 6 was rejected as allegedly being anticipated by Thompson. Claim 6 defines a modular wireless device comprising:

a shell that contains electronic components such as memory, with said memory containing system software, said system software being associated with a first network operator and containing a first identification number that uniquely identifies the first network and having operating system software, software drivers and application software, with said operating software containing information concerning wireless communication, with the operating system software including a storage list including information identifying wireless services with which said application software may communicate;

a cartridge that contains a transceiver;

an interface that enables removably coupling together said shell with said cartridge and facilitates data communication between said electronic components and said transceiver, said cartridge including a storage unit containing call-processing software to communicate to said operating system software a supported wireless service to which said transceiver may communicate, with said operating system software including a sub-routine to facilitate communication between said application software and said supported service in response to receiving information from said call-processing software, said system software further including code to identify, to said call-processing software, said wireless services, with said call-processing software including code to provide functionality between

said system software and said supported wireless service upon determining said support wireless service being outside of said wireless services by replacing said application software with replacement software containing a second network operator identification number; and a recognition mechanism, including in said cartridge, to determine whether said first and second identification number match with said code to provide providing said functionality in response to said recognition mechanism ascertaining said first and second identification numbers are different.

It is submitted that Thompson does not teach, *inter alia*, call-processing software including code to provide functionality between the system software and the supported wireless service upon determining the support wireless service is outside of the wireless services by replacing the application software with replacement software. In the Office action it was asserted that Thompson teaches a wireless device including means for transferring the replacement software to the shell and the shell further including means to upgrade, augment, or replace the system software using the replacement software, thereby modifying the shell to have different behavior. (See Office action page 5.) Upon review of the cited text, it is apparent that Thompson teaches upgrading software; however, Thompson is completely silent with respect to the claimed features. As a result, it is clear that claim 6 is not anticipated by the prior art. See *In re Lowry*, 32 USPQ2d 1031, 1034 (Fed. Cir. 1994) (the USPTO must show consideration of "all claim limitation when determining patentability of an invention of the prior art" in order to justify denial of a grant of a patent); *In re Warner*, 154 USPQ 173, 177 (CCPA 1967) (the USPTO must show "the factual basis for its rejection of an application under section 102 and 103.").

Moreover, none of the remaining cited prior art references overcomes the deficiencies of Thompson. Therefore, claim 6, as amended, defines an invention suitable for patent protection.

C. Claim 23

Amended claim 23 defines a modular wireless device comprising:

- a shell that contains electronic components such as memory, with said memory containing system software, said system software having operating system software, software drivers and application software, with said operating software containing information concerning wireless communication, with the operating system software including a storage list including information identifying wireless services with which said application software may communicate;
- a cartridge that contains a transceiver, to facilitate wireless communication, and a storage unit in data communication with said transceiver;
- an interface that enables removably coupling together said shell with said cartridge and facilitates data communication between said electronic components and said transceiver, said storage unit containing call-processing software to communicate with said operating system software, in response to coupling together of said shell and said cartridge, a supported wireless service to which said transceiver may communicate, with said operating system software including a sub-routine to facilitate communication between said application software and said supported wireless service in response to receiving information from said call-processing software;
- a locking mechanism in the shell that prevents the shell from accessing the supported wireless service; and
- a means for unlocking the locking mechanism.

It is submitted that for the reasons stated above with respect to claim 1, Thompson does not teach or suggest the features of call-processing software to communicate with the operating system software, in response to coupling together of the shell and the cartridge, a supported wireless service to which the transceiver may communicate. Moreover, none of the remaining cited prior art references overcomes the deficiencies of Thompson. Therefore, it is respectfully submitted that claim 23, as amended, defines an invention suitable for patent protection.

D. Dependent Claims

Considering that the dependent claims include all of the features of the independent claims from which they depend, the dependent claims are patentable to the extent that the independent claims are patentable. As a result, Applicant respectfully contends that *prima facie* case of neither anticipation nor obviousness is present with

respect to the dependent claims for the reasons set forth above with respect to the independent claims from which they depend.

3. Conclusion

Applicant respectfully requests further examination in view of the amendments and remarks set forth above. A Notice of Allowance is earnestly solicited. If the Examiner has any questions or needs any additional information, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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